



Express Mail Label No. _____

Dated: _____

Docket No.: 01313/100G952-US2
(PATENT)

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:
James Gross et al.

Application No.: 09/774,248

Filed: January 30, 2001

Art Unit: 3761

For: ABSORBENT PRODUCTS WITH IMPROVED
VERTICAL WICKING AND REWET
CAPABILITY

Examiner: Michele M. Kidwell

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply Brief is responsive to the Examiner's Answer dated September 22, 2005. Appellants also submit herewith a request for an oral hearing before the Board of Patent Appeals and Interferences. These submissions are filed within the two months specified by 37 C.F.R. §§ 41.41.

No fee is believed due with this reply brief. If, however, any fee is due, the Commissioner is authorized to charge any deficiency to Deposit Account No. 04-0100.

obviousness over Hammons in view of Georger and Aziz. According to the Examiner, the standing rejection is not inclusive of Georger and Aziz.

Appellants have reviewed the recitation of the rejections and note that the Examiner rejected the claims over Hammons, with reliance of Georger and Aziz as examples of specific low rewet values. Appellants submit that the interpretation of the rejection is correct, and even if the rejection is viewed in light of Hammons alone (without reference to Georger or Aziz), the substance of the rejection is not changed. Accordingly, Appellants arguments stand and are equally applicable to Hammons alone.

IV. Information Disclosure Statement

The Examiner has pointed out what appear to be corrections to the procedural history. While not of consequence to the substantive issues on appeal, to the extent that clarification is necessary, Appellants agree that the Office Action dated April 23, 2004 indicated that references cited therein were not considered due to an incomplete submission. Appellants then resubmitted the IDS on July 23, 2004 as agreed during a May 23, 2004 telephone discussion between the Examiner and the undersigned. The Examiner repeated that the IDS submission was incomplete in the Office Action dated November 2, 2004, and stated “[t]o have these documents considered, the applicant should resubmit the form listing these documents along with proof of receipt form the Office for the initial submission.” (November 2, 2004 Office Action, page 2). Therefore, Appellants submitted the IDS documents with the February 2, 2005 amendment.

V. Conclusion

For the foregoing reasons, the cited prior art references would not have rendered the presently claimed invention anticipated or obvious. The rejections of claims 1-13, 29-30 and 35-36 should be reversed by the Board.

Dated: November 22, 2005

Respectfully submitted,

By Sandra Lee

Sandra S. Lee

Registration No.: 51,932

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant